

*Pride and Pain  
in Difficult Times*



Selected Poems

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Basil Fernando

*Introduction by K.G. Sankara Pillai*

~ BELLE MARQUISE BOOKS ~

• NEW YORK, NY •

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Distributed by Belle Marquise Books  
New York, NY 10027  
info@bellemarquisebooks.com

ISBN 978-0-692-83197-7

*This book of poems is dedicated  
to the memory of my mother*



It was forty years ago.  
As I left the building  
where I used to teach,  
I saw a rattlesnake  
long and gloomy brown,  
slowly moving down  
in front of me.  
When I reached your bed  
in the hospital  
it was empty.

Emptiness that came in then  
would always be there, I knew.  
I was thirty-two then,  
the longest years with you nearby.  
Forty years since then  
are much shorter,  
and there is much less to remember.

Long distance you travelled  
great weight you carried,  
the breath of your intelligence  
is vivid before me  
like a photograph,  
and your voice, and the eyes.

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# An Appreciation of Basil Fernando

K. G. Sankara Pillai



Sri Lankan poet, eminent jurist, and veteran human rights activist, Basil Fernando lives in Hong Kong, in exile. His life reminds me of Bei Dao who went into exile after the 1989 Tiananmen tragedy, and writers like Wole Soyinka, Dennis Brutus, Gao Xingjian, Mahmoud Darwish, and Taslima Nasrin in a galaxy of literary giants, artists and filmmakers whose works have been labeled by the authorities as subversive.

Friends of Black poetry are familiar with the theme of the return to the native land. Especially profound and far reaching is the impact of Aimé Césaire's *Cahier D'un Detour Au Pays Natal* (*Notebook of a Return to the Native Land*) in the development of a new sensibility of not only avant-garde Black poetry, but also an era of poetry of compassion and protest in the third world. A humanitarian poetic tradition with nerves of resistance, bones of protest, and the will to fight for freedom and equality. In Césaire's pioneering work, *return* is rediscovery, and the *native land* is the politico-cultural identity. A return to the native land is a return of the historical man engaged in the renewal of the self by participating uncompromisingly in the renewal of their world as creators of new meanings, apostles of resistance, and believers of the infinite possibilities of the human will.

Basil Fernando writes in Sinhalese and English. He works with friends from various parts of the world in his office at the Asian Human Rights Commission. He travels to far off places in history and jurisprudence, through labyrinths of the past and present, and into virtual and real spaces of the human experience. But all of Basil's journeys, and especially his poetry, return to Sri Lanka, his homeland. It is, however, neither a return to the past, nor a descent into nostalgia. Sri Lanka in

Basil's poetry is not a mythic island in the mysterious prehistoric whistles of the sea-breeze, neither is it the colonial Ceylon, tortured and looted by foreign invaders. Basil's element is the present reality of Sri Lanka with its violence, cries and resistance. The Sri Lanka of Basil's poems is a deep wound in the poet's mind; a bleeding face through which he must see, recollect, protest, and sing. A fragmented yet dazzling emerald to which his memory, dreams, and suffering are tragically attached and resurrected.

Justice is the most vital concern in Basil's poetry. He is a confident narrator of the times he has witnessed; his poems, children of a turbulent history of modern Sri Lanka and its demonically challenged dignity. It is writing destined to perform a crucial role in critiquing the deceptive powers of legislative, executive, judiciary. Basil's poems reiterate the fact that the real reason for human suffering is not fate; divine or metaphysical, but the merciless network of economic, political and historical capital and its manipulators.

Folk narratives have an organic hold in Basil's imagination. He brings forth many characters and situations from the past for a clearer articulation of contemporary disquiet. The source of images, characters, and references in Basil's poetry are folklore, fables and classical literature mainly from Sri Lanka and India. The poems Ekalavya, the Low Caste Archer and Sambuka, the Low Caste Tapasa, two Indian *Purana*<sup>1</sup> tales for example, are critically narrated to expose the foundation of injustice on which the Brahminical caste system is erected. Here the beast is the complex order of dharma, where even minor transgressions of traditional customs were punishable with inhuman torture and death penalties. Sri Lanka is the final destination of Basil's odyssey through the depths of contemporary world history. His roots lie deep in the Sri Lankan villages, in the lore and legends of the workers in the

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<sup>1</sup> Purana Tales: Sacred Sanskrit texts containing Hindu myths, legends and folklore.



paddy fields and tea estates, and in the fairytales, mythology and memory of a great culture.

In *Mahaweli, Kelani, Walave, Kalu Ganga*, Basil asks himself, “What am I? What is my motherland?” But more than existential agony these questions convey the tragically uncertain predicament of his own society and its democracy. Basil’s return to his native land in another sense is to recharge the belief that another world of values and justice is possible.

Words behave like rebels and warriors in Basil’s poems. Through poetry Basil has sought to convey the pain and ignorance prevailing in his land, in every land. For him poetic expression is nothing less than the experience of what is historically valid, ethically essential, a popular form of enlightenment in times of chicanery and violence.

Basil’s poetry is the poetry of an impassioned activist. An intimate reader of Basil Fernando’s poetry can identify it as an authentic report of the polluted politics, imprisonment, torture, killings, disappearances, corrupted judiciary, denial of justice — history standing shockingly still amidst the ethical vacuum of brutal state power. Ultimately, Basil’s poetry breathes justice: in the soul of its vision, its tone of historic urgency and the core of its spiritual energy.

## Yet Another Incident in July 1983



Burying the dead  
being an art well developed in our times,  
Our psychoanalysts having helped us much  
to keep balanced minds, whatever  
that may mean,  
there is no reason really  
for this matter to remain so vivid  
as if some rare occurrence.

I assure you  
I am not sentimental, never having  
had a “breakdown,” as they say.  
I am as shy of my emotions  
as you are, and attend to my daily  
tasks in a very matter-of-fact way.  
Being prudent, too, when a government says:  
“Forget!” I act accordingly.

My ability to forget  
has never been doubted.  
I’ve never had any adverse comments  
on that score either.  
Yet I remember  
the way they stopped that car, the mob,  
there were four in that car:  
A girl, a boy  
*between four and five it had seemed*  
and their parents, I guessed, the man and the woman.  
It was in the same way they had stopped other cars.

I had not noticed any marked difference.  
A few questions in a gay mood,  
not to make a mistake, I suppose.  
Then they proceeded to action  
by then a routine,  
pouring petrol and all that stuff.

Then someone, noticing something odd  
as it were, opened the two left doors of the car,  
took away the two children  
resisting and crying as they were moved  
away from their parents.  
Children's emotions have to sometimes  
be ignored for their own good,  
he must have thought.

Someone practical was quick, efficiently lighting a match.  
An instant fire followed, adding one more  
to the many around.  
Around the fire they chattered  
of some new adventure,  
A few scattered.  
What the two inside felt  
or thought was no matter.

Peace-loving people were hurrying  
home as if in a procession.  
Then suddenly, the man inside the car,  
his shirt and hair already on fire,  
broke open the door.  
Then bending, took his two children.  
Not even looking around,  
as if executing a calculated decision,  
he resolutely re-entered the car.  
Once inside, he locked the door.  
I had heard that noise distinctly.

Still that ruined car is there by the roadside  
with other such things.  
Maybe the Municipality will remove it  
one of these days  
to the capital's garbage pit.  
The cleanliness of the capital receives the Authority's top priority.

## So There Was a War



So there was a war  
Borrowing each day,  
Borrowing more and more  
Youth to die in the lines.  
Luring them with smiles,  
Luring them with songs,  
And whichever way you like  
Taking them to die.

Create a dream and a romance  
Of this walk to be slaughtered,  
Sing more songs after they die.  
Tell the world,  
“We did it all quite fine.”  
In remote villages, aged men and women  
May mourn,  
The rest of the nation is entertained  
With fine songs.

## Padma's Story



She sits by his bedside,  
It is the sixth day since he fell into a coma.  
Doctors express disheartening comments.  
But to keep hoping,  
and to sustain the hope of others  
is perhaps the vigor of the eternal woman.

She pleads with the doctors  
to keep the life machines on.  
“No, it is not futile,”  
she tells the medical men.  
On the fourteenth day, her prayers are answered,  
He opens his eyes.

She recalls the sheer madness;  
Men in uniform grabbing  
her husband and pushing him into a police jeep.  
The next day, when she saw him  
he could not stand.  
Policemen apologizing,  
“Mistaken identity.”  
She rushed him to a hospital just in time.

Supporting her were a few young persons  
who call themselves Human Rights Activists  
And a few of his fellow workers.  
Three little children shocked and bewildered.  
Some force rose from within her,  
giving her strength  
to console and comfort them.

Slowly she nursed him back.  
In his smiles there was gratitude  
like a blossoming flower.  
She told him how police officers  
had hung him on a beam,  
assaulted him with iron rods,  
commanding him to, "tell the truth".

He told the truth of his innocence,  
they called him a liar  
and continued to beat him.  
Finally, they brought him down  
Like Jesus from the cross.  
Some officer applied balm,  
telling him,  
"We made a mistake".  
His dignity hurt, he complained,  
but doubted whether there would be justice.  
Still wanting to pursue it, he went on  
many journeys to court.

Then one evening came the news:  
He was shot by the police.  
Again, she returned to the hospital,  
sat by him as he lay dying,  
hoping for a miracle  
that never happened.

That was ten years ago.  
She raised the three children alone.  
To keep them cheerful,  
she hides her own agonies,  
keeps up a smiling face.  
Inside her is boiling anger  
at the absence of justice,  
absence of reason,  
absence of humanity.  
In her children she sees each day  
continuing pain,  
and many questions  
that will never be answered.

On every full moon day,  
She lays a lotus  
at the Buddha's feet,  
and prays that his children grow up  
without bitterness  
in their souls,  
and that in the next birth,  
he will be her husband again.

---

*In 2002, a Sri Lankan man called Gerald Perera was arrested on mistaken identity, and beaten to an extent that he suffered kidney failure and fell into a coma, which lasted for over two weeks. After prolonged treatment and recovery, Gerald Perera pursued his complaints against the perpetrators, who were several police officers led by a Sub-Inspector. On the 26th of November 2004, while his case before the High Court was pending, before he could give his evidence, he was shot dead on a public bus. The Sub-Inspector and another suspect were charged with murder.*

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## They Left Her Lips in a Garbage Dump



They left her lips  
In a garbage dump.  
He was left in confusion.  
Incapable of anger,  
He sought no revenge.  
For years, he tried  
To refix his mind,  
But never succeeded.  
He lived, body somewhere,  
mind elsewhere.  
All the time  
Trying to fathom the riddle  
Of the woman who was stolen.

## Remembering



They say he is a warrior  
They have brought him in a coffin.  
I remembered the day I brought him  
Bundled from the hospital.  
All the village women were there  
To assist me, and to see his face.



## Drummers and Mothers



The drummer drums the war drum,  
Bodies are blown away.

The drummer drums the war drum,  
Brains are blown away.

The drummer drums the war drum  
Minds are blown away.

At the palace, the drummer drums a festive beat,

There is dancing and singing,

The king is drinking deep.

Proud words flow from his mouth as water from a gutter,

Mothers move away to remote places

Their minds separate from their bodies.

They do not hear the drumbeat,

They do not hear or see anything at all.

## She Goes Looking for You

*A poem for Somchai Neelaphaijit*



We go  
Looking for you.  
To be accurate,  
She goes  
Looking for you.  
To be accurate,  
She goes looking  
For your bones,  
Or for something that is yours,  
A hair or a piece of cloth.  
We are just the 'sub-committee'  
Helping her  
Find you.

We go to an abandoned house,  
In an abandoned field.  
We have forensics  
Helping the 'sub-committee.'  
Everyone is looking  
For a piece of you.  
Near the rubbish burning spot  
Forensics find two piles of bones.  
We think  
We found you.

Forensics declare,  
“Human bones.”  
We think  
We found you.  
The journey is yet long,  
Spreading through fields  
Through many more bones,  
Through laboratories,  
Jurists, and judges  
Who must finally believe  
That it is you.  
She will go on that journey  
Till she finds you.

# The Sea Was Calm Behind Your House

*A poem dedicated to M. I. Kuruvilla*



On a day in July 1983  
When our nation had gone mad,  
I visited you.  
The sea was calm behind your house.

You greeted me as before,  
But something had gone wrong.  
We both knew,  
The measured silence we kept.

You were the master,  
I was the child.  
We had played that game before,  
But that day it stopped.

Our cheerful beliefs shattered  
We saw the unknown unfolding,  
Fates smiling truant, the gods mocking,  
The sea was calm behind your house.

## Nandawathie's Son



I have waited for a revelation  
explaining the death  
of Nandawathie's son.  
One night the village awoke  
hearing the thunder of a shot  
through the frail body of the young man,  
People said from a gun  
used to kill elephants.

Some said insurgents killed him  
as he pasted posters for a rich politician.  
Others say that it was another rich politician.  
Story passed from mouth to mouth  
Bewilderment still travels,  
The affair still remains vivid.

The wonder still is  
Whether he was as important as a president  
Or a prime-minister  
to warrant such an assassination,  
This postal peon, Nandawathie's son.  
She used to be at the Kovil<sup>1</sup>  
Trying to interest the gods  
In her children's hardships.

---

<sup>1</sup> Temple

## The Courthouse



In a land called Injustice  
In a place called City of Fear  
There was a court presided over  
by a man called Mr. Absurd.  
The court sergeant was Mr. Drunkard,  
The Mudilier was Mr. Bribery,  
There were many clerks and peons  
Who had no names.

The Litigants were the ordinary folk  
who thought they had come to seek justice  
about which  
they had no notion.  
Some thought it white,  
Some thought it black.  
Some as liquor,  
And others as bribery.

In the appeals court  
Mr. Absurd was held in high esteem,  
The wisdom of Messrs. D and B  
received the nation's applause.  
Summons were never written,  
but issued;  
Fines never paid,  
but consumed.  
Mr. Absurd said  
He held the balance,  
Holding on to the shoulders  
Of Mr. Drunkard and Mr. Bribery.

## National Security



Even the stones pee  
on hearing the name.  
Birds forget how to fly,  
flowers lose all smiles.  
Mothers hide their children  
as hens hide the young  
sensing the evil eye of the eagle.  
Grandmothers weep  
gazing at photographs.

## By the Wayside

*Translated from Sinhala*



This wreath  
With no name attached  
Is for you  
Who have no grave.  
As the place of earth,  
Which embraced you  
Could not be found,  
This wreath was placed by the wayside.  
Forgive me,  
Forgive me  
For placing a memorial for you  
By the roadside.



*Monument to the Disappeared, Waduwa Junction, Seeduwa, Sri Lanka*



## About the Author



Basil Fernando is a leading global human rights activist, jurist, author and poet. He is the recipient of the 2014 Right Livelihood Award, Kwangju Prize for Human Rights, editor of *Article 2* magazine, and has been a Senior Ashoka Fellow. Following a career as a human rights, labour and criminal lawyer with the Sri Lankan Supreme Court, Fernando was inspired by the life and work of Indian statesman Dr. B.R. Ambedkar and Danish philosopher N.F.S. Grundtvig to embark upon a lifelong crusade to defend human rights. With the outbreak of the Sri Lankan civil war, Fernando was further thrust into a pivotal role in addressing judicial breakdown across Asia.

He has served as Appeals Counsel for Vietnamese refugees in Hong Kong, which was sponsored by the United Nations High Commissioner for Refugees (UNHCR), and as Senior Human Rights Officer-In Charge of the Investigation Unit under the UN Transitional Authority in Cambodia (UNTAC). He was also Officer in Charge and Chief of the Legal Assistance at the Cambodia Office of the UN Center for Human Rights. He is currently Director of Policy and Programme Development at the Asian Human Rights Commission in Hong Kong, and Executive Director of Asian Legal Resource Centre (ALRC).

Fernando has authored numerous works on human rights and legal reform including, *The Right to Speak Loudly: Essays on Law and Human Rights*, *Problems Facing the Cambodian*



*Legal System, Modernization vs Militarization: Ethnic Conflict & Labour in Sri Lanka, Power vs Conscience, Sri Lanka's Dysfunctional Criminal Justice System and Gyges' Right: The 1978 Constitution of Sri Lanka.* He is co-author of *The Phantom Limb* and has co-edited books including *Decline of Fair Trial in Asia*. He has also contributed numerous articles to academic journals, magazines and newspapers.